IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 3530 of 2005

Between:

1 V.Satyanarayana, S/o.Laxmaiah,
BC Akutotapally Village, Amangal Mandal, Mahaboobnagar Dist.
2 G.Yellaiah, S/o.Ramulu,
Charkonda Village, Vangoor Mandal, Mahaboobnagar District.
3 CH.Laxmaiah, S/o.Buchaiah,
BC Chandoor post and Mandal, Nalgonda District.
4 K.Lalitha, D/o.Kistaiah,
BC Madgul Village and post & Mandal, Mahoboobnagar Dist.

..... PETITIONER(S)

AND

The District and Sessions Court Judge, Mahaboobnagar, A.P.

(corrected as per Court order dt. 7.3.2005) **.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction more particularly one in the nature of writ of mandamus declare the action of the respondent in not following the law laid down by the apex court and the central Government memo dt.18-5-1998 and trying to fill up the attender/process server posts through employment exchange sponsored candidates as illegal, arbitrary, unconstitutional and consequently direct the respondent to allow the petitioners to appear to interview and appointment for the posts of attender/process server without insisting that the petitioners names should be sponsored by the employment exchange and pass such other order as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.K.NAGESWARA REDDY
Counsel for the Respondent: MR.C.V.NAGARJUNA REDDY

The Court at the admission stage made the following Oral Order: (per Sri Devinder Gupta, CJ)

Petitioners' grievance is that the respondent has not followed the law laid down by the Supreme Court in EXCISE SUPERINTENDENT, MALAKPATNAM, KRISHNA DISTRICT, A.P. vs. K.B.N VISWESWARA RAO & OTHERS (), inasmuch as, wider publicity was not given to the notification issued by the respondent in filling up the posts of Attendars and Process Servers. It is also the case of the petitioners that they approached the respondent to receive their applications and consider their candidature and permit them to be interviewed, but, such request was not acceded to by the respondent.

Writ Petition was filed only on 23.2.2005. According to the petitioners, as per Section 3 of the Employment Exchange Act, the posts of Attendars and Process Servers have got to be filled up directly by giving notification in the newspapers as they are exempted from the purview of the employment exchange since they are unskilled Class IV posts and, therefore, the respondent need not notify these posts in all the employment exchanges and the respondent is bound to issue public notification by making wider publicity in the newspapers calling for applications from all eligible candidates and fill up the posts directly.

Interim order was passed for not finalizing the posts.

Respondent has produced before us the relevant material. Notification was issued by the respondent for filling up the posts of Attendars/Process Servers in the A.P. Last Grade Service in the Unit of District and Sessions Judge, Mahabubnagar by direct recruitment. The last date for receipt of applications was fixed on 5.2.2004, but, this date was extended up to 30.6.2004 by issuing Corrigendum. The District Judge after seeking approval of the High Court got wider publicity made of the notification by sending the same to the District Collector, Mahabubnagar, the District Employment Exchange, Mahabubnagar and to all Judicial Officers in the District with a request to affix the same in the Notice Board of their respective Courts in

Mahabubnagar District. On receipt of applications, the same were duly processed and interviews were commenced on 20.2.2005 and continued till 5.3.2005. Admittedly, petitioners have not approached the respondent before the selection process was commenced.

Learned counsel for the petitioners placed reliance upon an order passed by the Division Bench of this Court in Writ Petition No. 23765 of 2003, which writ petition was allowed and the petitioner therein was directed to be interviewed on 15.11.2003 by the respondents since the petitioner had already approached the respondents within time with a requisition.

It was suggested in the decision of the Supreme Court in Excise Superintendent's case cited supra, that it would be but proper for the appropriate department to give wider publicity of such notification in the newspapers with wider circulation and also to display the same in the notice boards. Therefore, in addition to sponsoring candidates through employment exchange, wider publicity should also be given. The right to publicity would depend on facts and circumstances of each case.

Admittedly in the instant case, according to the petitioners' own averments, posts in question are exempted from compulsory notification to be forwarded to the employment exchange. Therefore, the question whether there was wider publicity or not does not arise for consideration and in the instant case, we are satisfied that there is wider publicity. This would be evident from the fact that for the posts in question as many as 7669 applications were received, out of which, 1033 applications were rejected and 6636 applications were found to be in order. Call letters were issued to 6636 candidates for being interviewed for the aforementioned posts. Thus, it cannot be said in the instant case that there is no wider publicity. Petitioners did not approach the respondent-District Judge within time. If the petitioners approached the District Judge within time, there is no reason why their

applications would not have been considered. Hence, we are of the view that it will not be proper for us, at this stage, to set at naught the interviews, which were already over and selections which were already made.

In these circumstances, we do not find any force in the writ petition. The writ petition is accordingly dismissed. No costs.

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DEVINDER GUPTA,CJ

DATE: 14th March, 2005

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B. SESHASAYANA REDDY,J

Pnb

To

1. The District and Sessions Court Judge, Mahaboobnagar, A.P.
2. Two C.D. copies